

### REMARKS

The Office Action mailed on February 21, 2007 has been carefully considered. The following remarks are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-23 are currently pending in the instant application. Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/61036 ("Sarfarazi"). Applicants respectfully traverse these rejections, as discussed in further detail below.

The undersigned wishes to thank the Examiner for an informal telephonic interview on May 21, 2007 to clarify the Examiner's position. During the interview, the Examiner took the position that the optic 66 illustrated in FIGS. 13 and 14 of Sarfarazi would inherently change shape in response to ciliary body movement. The undersigned traversed this position at least in part for the reasons discussed below herein.

#### Claims 1-23 Are Not Anticipated by Sarfarazi.

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sarfarazi. Applicants respectfully traverse these rejections for the following reasons.

Sarfarazi teaches an intraocular lens system including anterior and posterior lenses coupled are together by a plurality elliptical haptics. Sarfarazi, page 16, lines 12-13. The intraocular lens system cooperates with the ciliary muscle, and zonula and capsular bag to permit a relative axial motion of the anterior lens with respect to the posterior lens. Sarfarazi, page 18, line 22 to page 19, line 2. In one embodiment, illustrated in FIGS. 13 and 14, the accommodative intraocular lens system includes three lenses: an anterior lens, a posterior lens, and an intermediate lens. The anterior lens is the principal moving lens during accommodation, the intermediate lens remains essentially axially stationary, as the support members 70 elongate, with movement of the zonula and the posterior lens may move a small degree but less than the anterior lens 62. Sarfarazi, page 20, line 19 to page 21, line 1.

By contrast claim 1 is directed to an implantable intraocular lens comprising, in pertinent part, an optic positioning member operably coupled with an optic and responsive to ciliary body movement in order to change the shape of said optic between a first optic shape and a second optic shape, where said second optic shape has a thickness that is greater than said first optic shape. Sarfarazi does not teach an optic that changes shape in response to ciliary body movement. Rather,

Sarfarazi teaches a plurality of elliptical haptics that permit relative axial motion between anterior and posterior lenses in cooperation with the ciliary muscle of an eye.

The Examiner has asserted during the telephonic interview on May 21 that the lens 66 shown in FIGS. 13 and 14 of Sarfarazi would inherently change shape in response to ciliary body movement. Applicants respectfully traverse this assertion. The Examiner's assertion is based on unsubstantiated conjecture, since Sarfarazi does not teach or even suggest that any of the disclosed lenses change shape in response to ciliary body movement, much less that the lens 66 cited by the Examiner changes shape in response to ciliary body movement. Rather, Sarfarazi specifically teaches relative axial motion between anterior and posterior lenses. During the telephonic interview of May 21, the Examiner noted the radial motion of the haptic 36 in FIG. 10 of Sarfarazi as evidence that the lens 66 in FIGS. 13 and 14 would change shape. However, it is not necessary that the lens 66 deform under such radial motion of the haptic. To the contrary, the relatively thin arm 70 (e.g., see FIG. 13) disposed between the haptic and the lens 66 may bend, stretch, and/or compress in response to radial motion of haptics 68, while the relatively large optic 66 remains unchanged in shape. Indeed, such action is consistent with Sarfarazi's specific teaching that "the intermediate lens remains essentially axially stationary, as the support members 70 elongate, with movement of the zonula..." (Sarfarazi, page 20, lines 20-22; emphasis added). Thus, Sarfarazi teaches elongation of support members 70 under ciliary body movement, and does not teach a change the shape of an optic under such movement.

Independent claims 16 and 20 similarly recite changing the shape of an optic between a first optic shape and a second optic shape. Thus, Sarfarazi does not anticipate claims 16 and 20 based on similar ground for which Sarfarazi does not anticipate claim 1.

At least because Sarfarazi does not teach or suggest all of the limitations of independent claims 1, 16, or 20, Applicant requests the Examiner allow claims 1, 16, and 20. Claims 2-15, 17-19, and 21-23 depend from claims 1, 16, or 20 and further define the inventions of claims 1, 16, and 20. Thus, claims 2-15, 17-19, and 21-23 are patentable over Sarfarazi at least for the same reasons that claims 1, 16, and 20 are patentable thereover, and are patentable in their own right as well.

**CONCLUSION**

Applicant respectfully asserts that the claims now pending are allowable over the prior art. Therefore, Applicant earnestly seeks a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,  
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Dated: May 21, 2002

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